

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

TODD YUKUTAKE and DAVID
KIKUKAWA,

Plaintiffs,

vs.

CLARE E. CONNORS, in her
Official Capacity as the Attorney
General of the State of Hawaii and the
CITY and COUNTY OF
HONOLULU,

Defendants.

CIVIL NO. 19-00578 JMS-RT

DECLARATION OF KENDALL J.
MOSER

DECLARATION OF KENDALL J. MOSER

KENDALL J. MOSER, pursuant to 28 U.S.C. § 1746, declares that:

1. I am a deputy attorney general with the Department of the Attorney General, State of Hawaii, and I have been assigned to represent Defendant Clare E. Connors in her official capacity as the Attorney General of the State of Hawaii in the above-entitled matter.

2. I have personal knowledge of the matters set forth herein and I am competent to so testify.

3. Following the June 9, 2020 status conference with Magistrate Judge Trader, counsel for the parties conferred regarding a procedure for filing their clients' contemplated motions for summary judgment.

4. The parties agreed that Plaintiffs would file for summary judgment first, followed by Defendant Connors' counter motion/opposition, then Plaintiffs' opposition/reply, and finally Defendant Connors' reply.

5. It was the parties' hope that this proposed procedure would eliminate unnecessary and redundant briefing.

6. The parties' proposal was submitted via email to Magistrate Judge Trader on June 10, 2020.

7. Later that day, Magistrate Judge Trader responded via email that he had touched base with Judge Seabright's chambers and that the parties' proposal was approved and was consistent with Local Rule 7.7.

8. As I have been drafting Defendant Connors' counter motion for summary judgment/opposition to Plaintiffs' motion, in preparation for the August 12, 2020 filing deadline, I have had difficulty keeping the memorandum to the twenty-five (25) page limit proscribed by Local Rule 7.4(a).

9. In order to present to the Court a thorough discussion of Defendant Connors' position on the important constitutional issues raised by the Plaintiffs in

this case, I am requesting, pursuant to Local Rule 7.4(a), leave to submit a memorandum not to exceed thirty (30) pages in length.

10. This request is made for good cause and not for purposes of delay, harassment, etc.

11. I have today emailed and spoken by telephone with counsel for Plaintiffs, Alan Beck and Stephen Stamboulieh. They do not oppose my request.

I declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawaii, August 5, 2020.

/s/ Kendall J. Moser
KENDALL J. MOSER